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SEC

SERVICE DATE - APRIL 3, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34145

BULKMATIC RAILROAD CORPORATION  
—ACQUISITION EXEMPTION—  
BULKMATIC TRANSPORT COMPANY

STB Finance Docket No. 34179

BULKMATIC RAILROAD CORPORATION  
—OPERATION EXEMPTION—  
BULKMATIC TRANSPORT COMPANY

Decided: April 2, 2002

By verified notice of exemption filed on December 21, 2001, in STB Finance Docket No. 34145, Bulkmatc Railroad Corporation (BRC), a noncarrier, sought to acquire by sublease, approximately 3.9 miles of railroad right-of-way and trackage at Chicago Heights, IL.<sup>1</sup> By decision served on December 27, 2001, a petition for stay filed by Joseph C. Szabo, for and on behalf of the United Transportation Union-Illinois Legislative Board (UTU-IL) was denied, and the exemption in STB Finance Docket No. 34145 became effective on December 28, 2001, and was published in the Federal Register on January 15, 2002, at 67 FR 2010-11.<sup>2</sup>

Subsequently, on February 27, 2002, BRC filed a verified notice of exemption in STB Finance Docket No. 34179, to cover its own operations over the track it was acquiring in STB

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<sup>1</sup> The trackage connects with the Union Pacific Railroad Company (UP) and the Elgin, Joliet & Eastern Railway Company. UP has been operating over the trackage to provide intermodal service in conjunction with the transloading activities of Bulkmatc Transport Company, the motor carrier that leases the track.

<sup>2</sup> The Chicago Heights Switching Company (CHSC), also a noncarrier, had filed in December 2001 a verified notice of exemption to operate the line. See Chicago Heights Switching Company—Operation Exemption—Bulkmatc Railroad Corporation, STB Finance Docket No. 34146 (STB served Jan. 15, 2002).

Finance Docket No. 34145, instead of having CHSC conduct those operations as had been proposed in STB Finance Docket No. 34146.<sup>3</sup>

On March 4, 2002, UTU-IL filed a petition (petition) asking the Board (1) to stay and to reject and/or to revoke the exemption sought in STB Finance Docket No. 34179 and (2) to reject and/or to revoke the exemption obtained in STB Finance Docket No. 34145. By decision served on March 5, 2002, the petition for stay in STB Finance Docket No. 34179 was denied and the exemption in that docket became effective on March 6, 2002, and was published in the Federal Register on March 14, 2002, at 67 FR 11547-48.<sup>4</sup>

In its petition, UTU-IL indicated that it was seeking certain discovery and that, upon completion of discovery, it would be supplementing its petition in accordance with 49 CFR 1121.2. Under that provision, discovery was to have been completed by April 3, 2002, and any supplemental petition by UTU-IL would be due on April 18, 2002. By letter filed on March 25, 2002, UTU-IL requests an extension to file its supplemental petition until May 1, 2002. UTU-IL indicates that BRC has no objection to the extension. The request is reasonable and will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. UTU-IL's request to extend the due date for filing its supplemental petition is granted. The supplemental petition is due on or before May 1, 2002. BRC's reply to the supplemental petition will be due 15 days after the supplemental petition is filed.

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<sup>3</sup> At the time BRC filed its verified notice of exemption in STB Finance Docket No. 34179, the transactions covered by the notices filed in STB Finance Docket Nos. 34145 and 34146 had not been consummated.

<sup>4</sup> The March 5, 2002 decision also noted that UTU-IL had not supported its request for rejection of the notices and that the request to revoke the exemptions would be addressed in a subsequent decision.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary